

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

860C0852

SENATE BILL NO. 244

Introduced by: Senator Munson (David) and Representative Cutler

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to state aid for special
2 education funding.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-37-35 be amended to read as follows:

5 13-37-35. Terms used in §§ 13-37-35 to 13-37-48, inclusive, mean:

6 (1) "Resident average daily membership," the average number of resident kindergarten
7 through twelfth grade pupils enrolled in all schools operated by the school district
8 during the previous regular school year plus the average number of pupils for whom
9 the district pays tuition and plus the average number of resident pupils enrolled in
10 another school district under the provisions of § 13-28-40;

11 (2) "Index factor," is the annual percentage change in the consumer price index for urban
12 wage earners and clerical workers as computed by the Bureau of Labor Statistics of
13 the United States Department of Labor for the year before the year immediately
14 preceding the year of adjustment or three percent, whichever is less;

15 (3) "Local effort," is the amount of taxes payable each year, using the maximum levy for
16 the special education fund of a school district pursuant to § 13-37-16;

17 (4) "Allocation for a student with a mild disability," for the period January 1, 1997,

through June 30, 1997, is \$892. For school fiscal year beginning July 1, 1997, the allocation for a student with a mild disability shall be \$1,785 increased by the lesser of the index factor or three percent. For each school year thereafter, the allocation for a student with a mild disability shall be the previous fiscal year's allocation for such child increased by the lesser of the index factor or three percent;

(5) "Allocation for a student with a severe disability," for the period January 1, 1997, through June 30, 1997, is \$10,707. For school fiscal year beginning July 1, 1997, the allocation for a child with a severe disability shall be \$21,415 increased by the lesser of the index factor or three percent. For each school year thereafter, the allocation for a child with a severe disability shall be the previous fiscal year's allocation for such child increased by the lesser of the index factor or three percent;

(6) "Local need," an amount to be determined as follows:

- (i) Multiply the resident average daily membership times 0.1025;
- (ii) Multiply the result of (i) times the allocation for a student with a mild disability;
- (iii) Multiply the resident average daily membership times 0.015;
- (iv) Multiply the result of (iii) times the allocation for a student with a severe disability;
- (v) Add together the result of (ii) and the result of (iv);

(7) "Student with mild disability," is a student whose performance level is not sufficient to demonstrate success in the regular education environment without the provision of special education, and who meets eligibility criteria under Part B, IDEA, ~~or both~~ and who is identified as a student in need of special education or special education and related services according to criteria set forth in rules promulgated pursuant to § 13-37-46;

(8) "Student with severe disability," is a student with a low-incidence disability who:

- 1 (a) Meets eligibility criteria under Part B, IDEA; ~~and~~
- 2 (b) Is identified as a student in need of special education or special education and
- 3 related services according to criteria set forth in rules promulgated pursuant to
- 4 § 13-37-46; and
- 5 (c) Presents needs which require intervention skills which are substantially
- 6 different from those provided to nondisabled students, in that the skills are
- 7 disability-specific and require special training, equipment, and facilities to
- 8 perform;
- 9 (9) "Effort factor," the school district's special education tax levy in dollars per thousand
- 10 divided by ~~\$1.40~~ the maximum levy established pursuant to § 13-37-16.